

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

July 17, 2013 7:00 PM

City Hall Chambers, 155 S. Seward St., Juneau, AK 99801
Regular Assembly Meeting 2013-19

Submitted by: _____
Kimberly A. Kiefer
City and Borough Manager

I. ROLL CALL

II. SPECIAL ORDER OF BUSINESS

- A. Special Olympics Recognition

III. APPROVAL OF MINUTES

- A. June 24, 2013 - Regular Assembly Meeting 2013-16
- B. June 28, 2013 - Special Assembly Meeting 2013-17
- C. July 8, 2013 - Special Assembly Meeting 2013-18

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. CONSENT AGENDA

- A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
- B. Assembly Requests for Consent Agenda Changes
- C. Assembly Action

- 1. Ordinances for Introduction

- a. Ordinance 2012-20(AU) - An Ordinance Appropriating To The Manager The Sum Of \$57,000 As Additional Funding For The Downtown Parking Fund Fiscal Year 2013 Operating Budget, Funding Provided By Additional Downtown Parking FY13 Revenues.

This ordinance would appropriate \$57,000 to cover additional expenses in the Downtown Parking Fund incurred in FY13. Funding provided by FY13 Downtown Parking revenues in excess of the budgeted amount.

This overage is due to unanticipated annual maintenance charges, increased Building Maintenance charges due to vandalism at the parking facilities and additional expenses incurred with the Pay and Display enforcement system.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

- b. Ordinance 2013-11(A) An Ordinance Appropriating To The Manager The Sum Of \$650,000 As Funding For Juneau Douglas Bridge Water Repairs, Backloop Water Repairs, Areawide Water Main Repairs, Biosolids Management and

Backloop Sewer Repairs Capital Projects; Funding Provided By The Water and Wastewater Enterprise Funds Fund Balances

This ordinance would appropriate \$650,000 for Water and Wastewater Utility capital projects with funding provided by the Water and Wastewater fund balances. The FY14 Water and Wastewater Capital Improvement Projects (CIPs) were included in the overall FY2014 -2019 CIP Resolution 2640 in the unscheduled funding section.

This ordinance would appropriate \$300,000 from the Water Utility fund balance to the following FY14 Water Utility capital projects. The estimated remaining fund balance will be \$2,781,100 after this appropriation.

The Water Utility CIPs are:

#W75-047	Juneau Douglas Bridge Water Repairs	\$100,000
#W75-048	Backloop Water Repairs	\$ 75,000
#W75-036	Areawide Water Main Repairs	\$125,000

This ordinance would appropriate \$350,000 from the Wastewater Utility fund balance to the following FY14 Wastewater Utility capital projects. The estimated remaining fund balance will be \$4,317,000 after this appropriation.

The Wastewater Utility CIPs are:

#U76-098	Biosolids Management	\$275,000
#W75-048	Backloop Sewer Repairs	\$ 75,000

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

- c. 2013-11(B) An Ordinance Appropriating To The Manager The Sum Of \$61,414 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Funding Provided By The Alaska Department of Transportation.

This ordinance would appropriate \$61,414 for the Runway Safety Area (RSA) capital project. Grant funding is provided by the Alaska Department of Transportation (ADOT); this is the ADOT match to Ordinance 2012-20(AJ) approved on July 8, 2013.

The FAA funds 93.75% of the project with the remainder being split between ADOT and Juneau International Airport.

The Airport Board approved this action at their February 20, 2013 special meeting.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

- d. Ordinance 2013-11(C) - An Ordinance Appropriating To The Manager The Sum Of \$8,940 As Funding To Provide For Commercial Motor Vehicle Inspections, Grant Funding Provided By The Alaska Department Of Transportation and Public Facilities.

This ordinance would appropriate a \$8,940 grant from the Alaska Department of Transportation and Public Facilities to provide commercial motor vehicle inspections (CMV).

The inspections are intended to determine the appropriateness of driver credentials as well as road worthiness of commercial vehicles with the ultimate goal of improving commercial vehicle safety in Juneau.

There is no match requirement for this grant.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

- e. Ordinance 2013-11(D) - An Ordinance Appropriating To The Manager The Sum Of \$3,000,000 As Funding For The Juneau International Airport Snow Equipment Removal Facility Capital Project, Grant Funding Provided By Alaska Department of Commerce, Community and Economic Development

This ordinance would appropriate \$3,000,000 in grant funding from the Alaska Department of Commerce, Community and Economic Development for the Snow Removal Equipment Facility (SREF) at the Juneau International Airport.

The SREF is a critical facility to year round operations at the airport. The total construction cost of the new building is estimated at \$20.5 M. Funds will be provided from a variety of federal, state, and local sources, with FAA paying approximately 73% of the total project cost.

During the recent legislative session, the State of Alaska approved a \$3M grant for this project that will help meet the City's obligation toward 27% of the project cost.

The timing of this appropriation is important because this \$3M State of Alaska Designated Legislative Grant provides critical match funds to the Airport's Snow Removal Equipment Facility (SREF) project. Appropriating this grant during July 2013 will allow the Airport to leverage the match funds to compete for the needed \$17M FAA funds on a national level. FAA's fiscal year ends on September 30, 2013. Airport Improvement Project (AIP) funds that are not committed at the region level will be returned to FAA Headquarters for distribution to projects that are "shovel ready" throughout the nation. Juneau's SREF is one such project. Having all match funds appropriated will strengthen Juneau's position to capture needed funding and begin the advertisement for bids in August, 2013.

The Public Works and Facilities Committee reviewed this request at its July 1, 2013 meeting.

I recommend this ordinance be introduced and set for public hearing at the next regular meeting.

2. Resolutions

- A. Resolution 2656 - A Resolution Approving the Amended Agreements Between the City and Borough and AJT Mining Properties, Inc., Unitizing Certain Mining Properties.

In 1975, the City and Borough of Juneau and the predecessor of AJT Mining Properties (AEL&P), recognizing that their split ownership of the AJ and Treadwell mining properties was an impediment to the economical operation of future mining activity, entered into a unitization agreement for those properties. The parties modified the agreement in 1979, separating the Douglas and Juneau properties into separate unitization agreements. The agreements established three-year terms, with automatic renewals every year. Those two agreements remain in effect today.

This resolution would authorize the Manager to renew the agreements, establishing new three-year terms for the unitization agreements. The reason for this action is to demonstrate to potential lessees the commitment of the CBJ and AJT to make their

mineral properties available for responsible development. These agreements help advance one of the Assembly's top ten goals, adopted November 17, 2012, which is to explore the feasibility of leasing the AJ mine.

I recommend this resolution be adopted.

- B. Resolution 2657 - A Resolution De-Appropriating \$850,000 In Grant Funding For A Community Development Block Grant Awarded to Support AWARE In The Construction Of a New Emergency Safe Shelter Building

This resolution would de-appropriate, in FY13, an \$850,000 Community Development Block Grant.

Ordinance 2012-20(P), adopted on April 1, 2013 (FY13), appropriated \$850,000 in Community Development Block Grant funds to support AWARE, Inc. in the development of a new extended stay shelter for battered spouses and abused children adjacent to the existing emergency safe shelter. In March 2013 CBJ and AWARE, Inc. completed the required Environmental Review and requested the release of funds. Unfortunately, significant challenges were discovered at the project site, despite having been previously evaluated. The development challenges increased the cost of development beyond available funding. The CDBG funds cannot be transferred to another project site without submitting a new grant application for review. Therefore, CBJ cannot accept the grant and the funds must be de-appropriated. Doing so will enable CBJ to become eligible to apply for CDBG funds in the next grant cycle.

I recommend this resolution be adopted.

- C. Resolution 2658-A Resolution Authorizing the Manager to Donate a Surplus Hyperbaric Chamber Air Compressor to the National Oceanic and Atmospheric Administration

Bartlett Regional Hospital has discontinued the Hyperbaric Program. The hyperbaric program was a joint effort between NOAA and BRH. The hyperbaric chamber was owned and on loan from NOASS and the air compressor was owned by BRH/CBJ. NOAA has the hyperbaric chamber and BRH no longer has use for the air compressor. The value of the compressor is over \$3000 thus requiring approval by the Assembly.

This resolution would authorize the Manager to transfer the air compressor to NOAA per CBJ 53.50.220(c).

I recommend this resolution be adopted.

VII. PUBLIC HEARING

- A. Ordinance 2013-19(b) - An Ordinance Amending the Land Use Code Regarding Flood Hazard Areas and Definitions.

To remain in the National Flood Insurance Program, the CBJ is required to adopt a new Flood Insurance Rate Map set, an associated Flood Insurance Study, and additional flood regulations, by August 19, 2013. The flood maps locate flood-prone areas along coastal, river, and inland lake areas.

The new flood maps are more detailed, and based on current data and mapping methods, yielding more accurate flood zone determinations.

Flood insurance is required for buildings in flood-prone areas that are financed through a loan or mortgage.

The largest impact resulting from the new flood regulations is the requirement for new or “substantially improved” buildings in Velocity zones to be elevated on pilings instead of on new fill material, thereby allowing waves to flow under the building.

The CBJ has hosted meetings to educate the public on the map adoption process. After review of the maps by CDD staff, the Planning Commission, and the public, CDD has found weaknesses in the maps that may have incorrectly included buildings within mapped flood-prone areas. The Planning Commission and CDD have compiled a list of improvements to the maps. CBJ will work with FEMA to improve the maps and remove improperly included buildings from some mapped flood-prone areas, after adoption as required by FEMA.

Version (b) includes housekeeping measure requested by FEMA, including establishing the final approval process by FEMA and clarifies the definition of Substantial Improvement.

The Planning Commission recommended approval of the Flood Plan Maps, Flood Insurance Study and additional Flood Regulations on June 25, 2013.

I recommend this ordinance be adopted.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. Docks and Harbors Regulations

Amendment of Title 05, Chapter 20

Small Boat Harbor Fees and Charges – Moorage

Amendment of Title 05, Chapter 40

Small Boat Harbor Moorage Management Regulations

The above noted regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060 and CBJ 85.20.010. This is largely an administrative action to harmonize regulations associated with Dehart’s marina to the governance specific to newly created reserved moorage at Don D. Statter Harbor facility. The proposed changes would also update the fee schedule to the current year. It does not affect the rates charged to harbor patrons.

The Docks & Harbors Board approved the proposed changes at its May 30th meeting after providing a public hearing and advertising for comments. The Board received no written comments to the proposed changes.

CBJ 01.60.260 provides that regulations be presented to the Assembly for review. Taking no action constitutes approval of the regulations, with an effective date of 7 days following adoption. The Assembly may not amend the regulations. If the Assembly disapproves the regulations, it shall return the regulations to the agency and may state the reasons for its disapproval, but shall not establish explicit conditions for subsequent approval or direct particular amendments of the regulation. Alternatively, the Assembly may direct that the matter be prepared as an ordinance or resolution for its consideration.

B. Airport Regulations

Subsequent to Assembly approval of the FY14 budget and Airport Rates and Fees adjustments on June 3, the Airport continued its negotiations with tenants/users on Airport Rates and Airport Fund Balance. The Airport reduced Fuel Flowage Fees for signatory users for FY14. The result is a \$135,120 reduction in revenues, which will be offset by the use of Airport Fund Balance money.

The Airport received no comments during the public comment period from June 14, 2013, through July 5, 2013. At the time of the Assembly packet preparation for this meeting, the Board planned to review the proposed Rates and Fees Regulation (as presented) at its July 12, 2013, Airport Board meeting.

CBJ 01.60.260 provides that regulations be presented to the Assembly for review. Taking no action constitutes approval of the regulations, with an effective date of 7 days following adoption. The Assembly may not amend the regulations. If the Assembly disapproves the regulations, it shall return the regulations to the agency and may state the reasons for its disapproval, but shall not establish explicit conditions for subsequent approval or direct particular amendments of the regulation. Alternatively, the Assembly may direct that the matter be prepared as an ordinance or resolution for its consideration.

X. STAFF REPORTS

XI. ASSEMBLY REPORTS

XII. ASSEMBLY COMMENTS AND QUESTIONS

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

A. Land Negotiations

XV. ADJOURNMENT

Note: Agenda packets are available for review online at www.juneau.org.

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city_clerk@ci.juneau.ak.us